

# 0930 - Arkansas Department of Environmental Quality

## Interim Progress Report for the reporting period July 1, 2003 - December 31, 2003

### Section I. Agency Update and Assessment

#### **1. Emerging Issues at the Federal (National) or State level affecting the agency.**

The Department has several issues that could potentially impact its programs. An emerging issue of great importance to the Air Division at present is 8-hour ozone non-attainment for Crittenden County and the potential for future non-attainment for the Little Rock-North Little Rock Metropolitan Statistical Area (LR-NLR MSA). In particular, Crittenden County has entered into an Early Action Compact with other entities, comprising the Memphis CMSA, to develop local control strategies and coordinate planning activities, which will potentially defer the effective date of formal non-attainment designation. These strategies must be placed in the State Implementation Plan. The LR-NLR MSA has entered into an Ozone Flex agreement, which encourages voluntary efforts at the local level which have the potential to avert non-attainment. Another planning issue is ongoing regional planning efforts to comply with regional haze and visibility requirements, through which the Division continues to partner with other states through a regional partnership.

At the national level, the Mining Division is involved with the proposed reauthorization of the Abandoned Mine Lands (AML) program found in Title IV of Public Law 95-87. Without reauthorization of the fee payment, the amount of the funds that Arkansas may receive from the program could be adversely affected. The AML program provides funds to Arkansas for the reclamation of pre-law abandoned coal mines. We have received approximately \$1.5 Million each year for the past six (6) years. A proposed amendment was removed from the Energy Bill in December 2003 under the pretense that the AML Program was sufficiently important to warrant its own congressional hearing and separate legislation.

On the forefront with the Hazardous Waste Division is the new state and federal legislation anticipated to focus more interest in the redevelopment of Brownfields-type properties, requiring more personnel or contractual services to accomplish tasks in a time frame that keeps pace with the real estate transaction. The Regulated Storage Tank Division will be impacted by legislation pending in Congress covering enforcement and compliance activities, requirement to train UST operators, "red-tag" provision for non-compliant facilities, mandated inspection frequency. In the West Memphis area, long-range planning will likely involve the Division in the arena of Stage One vapor recovery systems: equipment retrofitting requirements for regulated tank owners (what kind of equipment, licensed installer requirement); confirmation through site inspection that required equipment is installed and functional; funding issues if RST inspectors include these issues as part of their routine facility inspections.

Two significant issues, mandated by EPA, will impact the Water Division over the next several months; 1.) The need to develop a Nutrient Management Plan for large reservoirs and 2.) the implementation of the Concentrated Animal Feeding Operation (CAFO) Permit Program. The impact of significant nutrient loading is becoming apparent in large reservoirs and the nutrient management plan will be directed to reservoirs. The CAFO Permit Program provides permit coverage to poultry growers and other agricultural producers that generate dry litter and ensures the proper storage and disposal of dry litter.

#### **2. Status of any new initiatives funded from General Revenue or General Improvement funds in the 2003 Legislative Sessions and other changes made through General Legislation.**

During the 2003 Legislative Session, General Revenue funding was maintained at fiscal year 2003 budget level. No new initiatives were authorized from General Revenue or General Improvement funds. However under the leadership of our Director, ADEQ continues to efficiently and effectively apply its existing resources and authorities to protect, enhance and restore the natural environment for the well-being of all Arkansans.

**3. Discuss significant factors internal and external to the agency affecting agency performance.**

There are no known factors impacting our performance at this time.

**4. Provide comments on the usefulness and reliability of performance measures.**

The Department has been working with performance measures/indicators for several years. As with every process, the further a program is developed, the more effective it becomes. Performance indicators tracked by the Department's Strategic Plan are still evolving, and their use by management as a tool is slowly taking shape. The Department uses performance measures consistent with federal grant reporting requirements, and tries to use measures that fit with EPA's performance measures. The Department is struggling with capturing some of the performance measures on a state fiscal year basis, as many of our measures have been established to provide consistency with measures reported for these other purposes, but based on a calendar or federal fiscal year.

**5. Discuss significant uses of line item flexibility in this report period (agencies operating under Performance-Based Appropriations only).**

In order to more efficiently and effectively apply agency resources, ADEQ has utilized line item flexibility to address several issues: 1) Land Program – professional fees and services appropriations were transferred to operating expenses. Reason: Fiscal year 2003 reclamation service contracts were budgeted as professional fees and services. Pursuant to A.C.A 19-11-203-(27)-(A) and (B) as it pertains to "Services", the department's reclamation service contracts are classified as technical services and should be expensed from operations. 2) Air Program – operating expenses were transferred to capital outlay. Reason: These changes were implemented to procure pollution prevention technology. These adjustments were in line with agency program goals, objectives and performance targets. To maintain budgetary control and accountability in the same line item manner, ADEQ internally tracks and maintains all expenditures by line item.

**Program 1: ADEQ-Air****Goal 1:** The Air is clean and healthy**Objective 1:** To reduce the number of days that the air in Arkansas exceeds any Federal air pollution limit.Measure

<u>Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Percent of major permits drafted within 180 days of receiving a complete application	80%	94%	
2	Percent of minor permits drafted within 90 days of receiving a complete application	80%	89%	
3	Percentage of regulated facilities in compliance with state and federal air standards.	90%	86%	
4	Number of people living in areas with air quality concentrations not meeting the National Ambient Air Quality Standards: Carbon Monoxide	0	0	*Based on CY03 data
5	Number of people living in areas with air quality concentrations not meeting the National Ambient Air Quality Standards: Lead	0	0	*Based on CY03 data
6	Number of people living in areas with air quality concentrations not meeting the National Ambient Air Quality Standards: Nitrogen dioxide	0	0	*Based on CY03 data
7	Number of people living in areas with air quality concentrations not meeting the National Ambient Air Quality Standards: Ozone (1 hour)	53,161	52,578	*Based on CY03 data
8	Number of people living in areas with air quality concentrations not meeting the National Ambient Air Quality Standards: Ozone (8 hour)	611,952	52,578	*Based on CY03 data
9	Number of people living in areas with air quality concentrations not meeting the National Ambient Air Quality Standards: Particulate matter (10 microns)	0	0	*Based on CY03 data
10	Number of days per year that air quality in Arkansas is unhealthy for sensitive groups for ozone, carbon monoxide or particulate matter.	5	1	*Based on CY03 data

**Comments on performance matters related to Objective 1:**

\*These measures are reported on a Calendar Year Basis in accordance with current Federal Reporting Standards. However, for the interim report, the actual YTD is 12/31/03.

**Program 2: ADEQ-Water**

**Goal 1:** The physical, chemical and biological integrity of all Arkansas waters are protected and enhanced.

**Objective 1:** To insure that assessed surface water in Arkansas will meet water quality standards for all beneficial uses.

<u>Measure Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Percent of assessed surface waters that meet all water quality standards.	87%	Not Available	This indicator is performed every other year. FFY02 data: 85%
2	Number of Total Maximum Daily Loads (TMDL's) completed in accordance with court ordered schedule.	26	33	*Based on CY03 data
3	Number of watershed groups developing/implementing watershed management plans	10	11	*Based on CY03 data
4	Percentage of regulated facilities in compliance with state and federal water regulations.	87%	95%	*Based on FFY03 data

**Comments on performance matters related to Objective 1:**

\*These measures are reported on a Calendar Year Basis/Federal Fiscal Year Basis in accordance with Federal Reporting Requirements. However, for the interim report, the actual YTD is 12/31/03.

**Program 3: ADEQ-Land**

**Goal 1:** Land-based activities achieve, maintain and enhance a healthy environment.

**Objective 1:** The safe management of hazardous waste and hazardous substances in Arkansas.

Measure Number	Performance Indicators	Annual Target	Actual YTD	Comments
1	*Percentage of hazardous waste recycled, reclaimed, used, or reused	6%	Not Available	CY03 Data will be available this summer. CY02 Data: 2.31%
2	**Acres of known environmentally impacted land returned to productive use.	763	853.74	Total Acreage from the Four Divisions
3	***Number of Hazardous Waste clean-ups initiated/completed	5/3	4/5	

**Comments on performance matters related to Objective 1:**

\*An error has been discovered in the wording of this Performance Measure. The Description should read "Percent increase of hazardous waste recycled, reclaimed, used, or reused." The original objective contained a goal of a 20% increase ( over a baseline) for a 10 year period, thus translating into a targeted average of 2% increase per year. Therefore, the DESCRIPTION should be revised as stated previously, the METHODS AND SOURCES USED OBTAINING THE DATA should have the following added: " - Running total of Increase over Baseline" and the FISCAL YEAR GOALS revised as follows: " - FY'05 = 10%, FY'06 = 12%, FY'07 = 14%, FY'08 = 16%, and FY'09 = 18%".

\*\*Measure 2 is actually a part of Objectives 1, 2, 3 and 4, but in order to prevent reporting the same measure under all four objectives, it is being reported only under Objective 1.

Program 3: ADEQ-Land

Goal 1: Land-based activities achieve, maintain and enhance a healthy environment.

Objective 2: To reduce, prevent, and cleanup leaks from underground storage tanks.

Measure				
<u>Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Number of Regulated Storage Tank clean-ups initiated/completed	73/64	26/31	

Comments on performance matters related to Objective 2:

**Program 3: ADEQ-Land**

**Goal 1:** Land-based activities achieve, maintain and enhance a healthy environment.

**Objective 3:** Safe handling, storage, processing and disposal of non-hazardous solid waste.

Measure Number	Performance Indicators	Annual Target	Actual YTD	Comments
1	Percent of material diverted from landfills through recycling and waste tire programs.	38.5%	Not available	*CY02 data: 34%
2	Number of grants/dollars processed for Recycling	90/\$3,200,000	94/\$3,443,841	
3	Number of grants/dollars processed for Waste Tires	99/\$4,482,691	52/\$1,300,000	
4	Number of Solid Waste clean-ups initiated/completed	26/41	1/1	**See comment below

**Comments on performance matters related to Objective 3:**

\* The Solid Waste Districts have not reported this data to the Department at the time of compilation of the report. This data will be available in the upcoming months.

\*\*Under Measure Number 4, the reason for the low numbers is that the Illegal Dump Eradication Program sunsetted at the end of SFY '03 and the annual targets had been based on the possibility of that program continuing with a new sunset date. Since the program was not extended, the Solid Waste Division's target of projected number of clean-ups both initiated and completed will have to be adjusted in the future.

**Program 3: ADEQ-Land**

**Goal 1:** Land-based activities achieve, maintain and enhance a healthy environment.

**Objective 4:** The protection of society and the environment from the adverse effects of surface mining activities by ensuring that the reclamation and restoration of affected lands results in future productive use.

Measure

<u>Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Percentage of regulated facilities in compliance with Solid Waste, Hazardous Waste, Mining and Regulated Storage Tank laws	66%	78.40%	*Average of the 4 Divisions
2	Number of Mining clean-ups initiated/completed	1/1	3/2	

**Comments on performance matters related to Objective 4:**

\*Measure Number 1 is actually a part of Objectives 1, 2, and 3 as well as Objective 4. Each of the Objectives in Goal 1 represent a single objective for each of the 4 individual divisions that make up the Land Group. In order to prevent reporting the same measure under all four objectives, it is being reported under Objective 4.



**Program 4: ADEQ-Management Services**

**Goal 1:** The Department efficiently and effectively applies its resources and authorities to achieve the highest standards of agency and environmental management.

**Objective 1:** To provide fiscal and human resource support that is efficient, effective, and timely allowing the Department to pursue its mandate to protect the environment of Arkansas.

Measure

<u>Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Percent change in turnover rate.	Agency reduction of 10% of turnover percentage	30%	
2	Percent of agency performance measures met.	100%	Not Available	To be calculated at the Conclusion of SFY04
3	Percent of agency staff and budget in the Administration Program compared to total agency positions and budget	13%	Not Available	To be calculated at the Conclusion of SFY04.
4	Number of prior year audit findings repeated in subsequent audit	0	Not Available	Audit not yet performed. FYI: SFY02=0
5	Number of responses to requests for information	2,200	2,400	

**Comments on performance matters related to Objective 1:**

**Program 4:** ADEQ-Management Services

**Goal 1:** The Department efficiently and effectively applies its resources and authorities to achieve the highest standards of agency and environmental management.

**Objective 2:** To have prompt, thorough, well-prepared legal representation to allow the Department to pursue its mandates.

Measure

<u>Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Number of ADEQ decisions reversed by Commission and/or Appellate courts.	0	0	
2	Number of ADEQ legal matters initiated/closed.	450/450	316/317	

**Comments on performance matters related to Objective 2:**

**Program 4:** ADEQ-Management Services

**Goal 1:** The Department efficiently and effectively applies its resources and authorities to achieve the highest standards of agency and environmental management.

**Objective 3:** Administer a Computer Services Division providing programming assistance, technical support and telecommunications planning.

Measure

<u>Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Integrated Information system project milestone accomplished.	all scheduled	6/11 Completed	

**Comments on performance matters related to Objective 3:**

**Program 4: ADEQ-Management Services**

**Goal 2:** The public uses ADEQ information and resources, in a timely and meaningful manner, to protect and manage their environment.

**Objective 1:** To administer a Customer Service Division providing environmental assistance to the state by helping citizens and businesses utilize the resources of the Department to learn about the environment and to meet any of their environmental obligations.

## Measure

<u>Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Number of Arkansans that participate in Department hearings and meetings and presentations	11,000	15,000	
2	Number of responses to requests for environmental/compliance assistance.	1100	400	
3	Number of responses to public complaints on environmental conditions initiated through ADEQ's help-lines.	200	510	
4	Number of presentations/technical programs given by ADEQ staff.	220	240	

**Comments on performance matters related to Objective 1:**

**Program 4: ADEQ-Management Services**

**Goal 3:** The Department uses sound science to make environmental decisions.

**Objective 1:** Administer a Technical Services Division to perform analytical testing for the Clean Air Act; Clean Water Act; Resource Conservation and Recovery Act; Leaking Underground Storage Tank Program; Comprehensive Environmental Response, Compensation, and Liability Act; other federal programs; and state solid waste and animal waste programs.

Measure

<u>Number</u>	<u>Performance Indicators</u>	<u>Annual Target</u>	<u>Actual YTD</u>	<u>Comments</u>
1	Number of samples analyzed	6,600	7,933	*Based on CY03 Data
2	Percentage of samples analyzed within acceptable national laboratory standards.	80%	100%	*Based on CY03 Data

**Comments on performance matters related to Objective 1:**

\*These measures are reported on a Calendar Year Basis in accordance with Federal Requirements. However, for the interim report, the actual YTD is 12/31/03.